

## Message Text

UNCLASSIFIED

PAGE 01 STATE 047188  
ORIGIN ORM-02

INFO OCT-01 ARA-10 ISO-00 DHA-02 CIAE-00 FBIE-00 NSAE-00  
SCA-01 VOE-00 IO-13 /029 R

DRAFTED BY D/HA/ORM:LARTHUR:CML  
APPROVED BY D/HA - JLCARLIN  
D/HA/ORM - SCLOWMAN (DRAFT)  
ARA/CAR - GDESANTILLANA (DRAFT)  
-----032220Z 009992 /70

R 031748Z MAR 77  
FM SECSTATE WASHDC  
TO MR JOHN E MCCARTHY CHAIRMAN  
COMMITTEE ON MIGRATION AND REFUGEE AFFAIRS  
AMERICAN COUNCIL OF VOLUNTARY AGENCIES  
FOR FOREIGN SERVICE  
NO. 200 PARK AVENUE SOUTH, 11TH FLOOR  
NEW YORK NEW YORK 10003  
INFO INS WASHDC

UNCLAS STATE 047188

INS WASHDC FOR MR JAMES GREENE DEPUTY COMMISSIONER

E.O. 11652:N/A

TAGS: SREF

SUBJECT: HAITIAN EMIGRATION

1. REFERENCE YOUR TELEGRAM OF FEBRUARY 23 REGARDING YOUR  
REQUEST THAT PERMISSION FOR EMPLOYMENT BE AUTHORIZED FOR  
HAITIAN NATIONALS WHO HAVE ARRIVED IN THE U.S. PRIOR TO  
DECEMBER 31, 1976 AND WHOSE APPLICATIONS FOR ASYLUM ARE  
PENDING WITH THE IMMIGRATION SERVICE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 047188

2. AS YOU ARE AWARE, DECISIONS REGARDING ASYLUM REST  
WITH INS. ADDITIONALLY, THE QUESTION OF WHETHER OR NOT  
EMPLOYMENT SHOULD BE AUTHORIZED WHILE AN ASYLUM APPLICA-  
TION IS PENDING AGAIN RESTS WITH THAT SERVICE. I SHOULD LIKE  
TO POINT OUT THAT THE DEPARTMENT OF STATE HAS NOT  
TREATED APPLICATIONS FOR ASYLUM FROM HAITIAN NATIONALS

ANY DIFFERENTLY THAN ASYLUM APPLICATIONS FROM NATIONALS OF OTHER COUNTRIES, AND DOES NOT INTEND TO DO SO IN THE FUTURE. EACH CASE IS REVIEWED ON ITS INDIVIDUAL MERITS. IN CASES WHERE WE FIND THAT THERE IS A REASONABLE DOUBT AS TO WHETHER INDIVIDUAL APPLYING FOR ASYLUM WOULD SUFFER PERSECUTION UPON RETURN TO HIS HOMELAND, WE DO RECOMMEND TO INS THAT HE BE ALLOWED TO REMAIN IN THE UNITED STATES AS A REFUGEE AND HAVE DONE SO IN OVER 240

HAITIAN ASYLUM CASES.

3. IN REFERENCE TO THE HAITIAN CASES INVOLVED IN THE FEBRUARY 15 DECISION OF THE FEDERAL DISTRICT COURT, DEPARTMENT OF STATE HAD PREVIOUSLY REVIEWED THOSE APPLICATIONS FOR ASYLUM. BASED ON THE INFORMATION PROVIDED IN THEIR ASYLUM APPLICATIONS, THE DEPARTMENT WAS UNABLE TO CONCLUDE THAT THESE APPLICANTS HAD ESTABLISHED A WELL-FOUNDED FEAR OF PERSECUTION WITHIN THE MEANING OF THE UN CONVENTION RELATING TO THE STATUS OF REFUGEES. WE, THEREFORE, SEE NO REASON WHY EXCEPTIONAL TREATMENT SHOULD BE GIVEN TO THESE ALIENS BEYOND THAT WHICH IS AVAILABLE TO ANY OTHER NON-RESIDENT ALIEN IN THE UNITED STATES.

4. IN GENERAL, WE BELIEVE THAT THE PROCEDURES INVOLVED IN HANDLING ASYLUM REQUESTS HAVE PROVED ADEQUATE IN DEALING WITH SUCH REQUESTS. THE DISTRICT DIRECTOR CAN APPROVE MERITORIOUS OR WORTHY ASYLUM REQUESTS WITHOUT REFERRAL TO DEPARTMENT OF STATE. CASES REFERRED TO THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 047188

DEPARTMENT ARE THOSE IN WHICH THERE ARE DOUBTS REGARDING THE MERITS OF THE CLAIM OR THOSE WHICH ARE CONSIDERED LACKING IN SUBSTANCE. A GOOD MANY CLAIMS FALLING WITHIN LATTER TWO CATEGORIES WERE SUBMITTED BY INDIVIDUALS SEEKING TO DELAY DEPARTURE FROM THE UNITED STATES. AUTHORIZING EMPLOYMENT TO SUCH INDIVIDUALS WHILE THEIR ASYLUM APPLICATIONS ARE BEING REVIEWED WOULD ONLY ENCOURAGE THE SUBMISSION OF FRIVOLOUS CLAIMS. THE KNOWLEDGE THAT, IF APPREHENDED, EMPLOYMENT WOULD BE AUTHORIZED MERELY BY REQUESTING ASYLUM COULD, THEREFORE, HAVE A TREMENDOUS POTENTIAL FOR ABUSE BY UNSCRUPULOUS INDIVIDUALS. WE BELIEVE THAT THE DISTRICT DIRECTOR SHOULD CONTINUE TO REVIEW REQUESTS FOR EMPLOYMENT FROM ASYLUM APPLICANTS ON A CASE BY CASE BASIS AND ARE CONFIDENT THAT SUCH AUTHORIZATION WILL BE GIVEN FOR HUMANITARIAN REASONS IN THOSE TRULY WORTHY CASES AS HAS PREVIOUSLY BEEN THE CASE.

5. WE APPRECIATE YOUR INTEREST IN THIS MATTER.

VANCE

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EMPLOYMENT, REFUGEES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 03-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE047188  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** LARTHUR:CML  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770074-0125  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770396/aaaadgrf.tel  
**Line Count:** 117  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** ec0138be-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN ORM  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 17-Sep-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3216809  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HAITIAN EMIGRATION  
**TAGS:** SREF, HA, US  
**To:** MCCARTHY JOHN E  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/ec0138be-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009